

BOROUGH OF SHIP BOTTOM

EMPLOYEE HANDBOOK
and
PERSONNEL POLICIES AND PROCEDURES
MANUAL

The Borough of Ship Bottom is an Equal Opportunity Employer.

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INTRODUCTION

It is the policy of the Borough of Ship Bottom ("Borough") to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The Personnel Policies and Procedures Manual of the Borough shall apply to all employees, volunteers, (elected and/or) appointed officials and independent contractors.

You are urged to read this Handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any of the Borough of Ship Bottom's personnel policies, contact your supervisor, or if you prefer, your Department Head, or Borough Administrator.

As a general principle, the Borough has a "no tolerance" policy towards workplace wrongdoing. Borough officials, employees and independent contractors are to report anything perceived to be improper. The Borough believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head or Borough Administrator concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Borough are intended to provide guidelines covering public service by Borough employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Borough personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough.

The personnel policies and procedures contained in this manual are not intended to void, replace, or conflict with negotiated union collective bargaining agreements. For Borough employees that belong to a union, to the extent a collective bargaining agreement conflicts with these personnel policies and procedures, the collective bargaining agreement shall supersede and/or modify these personnel policies and procedures.

To the maximum extent permitted by law, the employment practices of the Borough of Ship Bottom shall operate under the legal doctrine known as "employment at will." **This means that any employee has the right to terminate his or her employment at any time, with or without cause, and that the Borough of Ship Bottom has the right to terminate any employee's employment at any time, with or without cause,** except the Borough of Ship Bottom shall comply with all Federal and State laws, and any applicable bargaining unit agreement, requirements requiring notice, and an opportunity to be heard in the event of discipline or dismissal.

Any written or oral promises or representations to the contrary are expressly disavowed and should not be relied upon by any employee. Any changes to this "at will" employment status must be in writing and signed by the Borough Administrator. No other representative of the Borough is authorized to enter into any agreement or make

any statement which alters this "at will" relationship.

The contents of this Handbook are only guidelines and supersede any prior manual and/or handbook. **Neither this handbook nor any other guidelines, policies or practices create an employment contract.** The Borough of Ship Bottom has the right, with or without notice, in an individual case or generally, to change any of its guidelines, policies, practices, or working conditions at any time.

ANTI-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or to the Borough Administrator.

There shall be equal employment opportunity for all persons in, or applicants for, the career and unclassified services, regardless of race, creed, color, national origin, sex, affectional or sexual orientation, age, marital status, religion or disability, except where a particular qualification is specifically permitted and is essential to successful job performance.

Equal employment opportunity includes, but is not limited to, recruitment, selection, hiring, training, promotion, transfer, work environment, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures and programs for recruitment, employment, training, promotion and retention of minorities, women and disabled persons. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.

Disabled persons shall include any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

GENERAL ANTI-HARASSMENT POLICY

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal written, printed or physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

ANTI-WORKPLACE HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The Borough has a strong commitment to provide a work environment free from unlawful harassment based on sex, affectional or sexual orientation, race, color, religion, national origin, age, disability, pregnancy (including pregnancy related medical condition), childbirth, ancestry, atypical hereditary cellular or blood trait (AHCBT), liability for service in the Armed Forces of the United States, creed, handicap, marital status, familial status, genetic information, refusal to submit to genetic testing, refusal to provide genetic information, or nationality of that person or that person's spouse, partners, members, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, or other characteristic protected by law (collectively the "protected classifications"). The Borough will not tolerate unlawful harassment. Acts or incidents of unlawful harassment should be promptly reported in accordance with the procedures outlined below. The Borough will promptly investigate all reports of unlawful harassment. Employees who violate this Policy will be subject to disciplinary action up to and including termination from employment. Employees who violate this Policy also risk personal legal liability.

This policy shall apply to all employees of the Borough and to any individuals who serve as volunteers, as well as to officials, appointees, and outside contractors and/or vendors of the Borough.

PURPOSE:

To ensure all employees of the Borough a work environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected classification.

PROVISIONS:

1. **Improper Conduct:** Instances that may violate the Borough's policy against harassment and which may result in disciplinary action include the following:
 - *Unwelcome remarks and actions based on the protected classifications.* This may include, but is not limited to, inappropriate jokes, comments or posted materials.
 - *Threats or suggestions that an employee's employment work status will be adversely affected based upon the protected classifications.*
 - *Affecting or denying employment opportunities or benefits to an employee based upon the protected classifications.*
 - *Engaging in a negative tangible employment action based upon the protected classifications.*

- *Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy.*

2. **Sexual Harassment:** An important note must be made with respect to sexual harassment.: Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of the harassing conduct is threatened to be used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is *unwelcome* sexual attention which is demeaning and causes the recipient distress. Comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See Complaint Procedure.

Harassment of Borough employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employees to appropriate personnel of any harassment problem is

essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

3. **Supervisory Personnel:** Every supervisor is responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by supervisors and managers whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the supervisor or person of higher rank. Unlawful harassment is not limited, however, to employees of different rank.
4. **Complaint Procedure:** Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident directly to their supervisor. If circumstances prevent reporting the incident directly to the employee's supervisor, the employee should report the incident to any other supervisory employee with whom you feel comfortable reporting your complaint. One of the designated individuals must be promptly advised of such complaint. If the complaint involves a direct supervisor, the employee is not required to complain to that direct supervisor. The complaint should then be made to any of the other above-mentioned individuals. A complaint of harassment shall be investigated in a timely manner.
 - A. The complaint filed must include the following information:
 - (1) The name and department of the complainant;
 - (2) The name and department of the charged party;
 - (3) The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
 - (4) Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.
 - B. Nothing in this section shall prevent the complainant from providing other information or documents he/she believes are essential to the fair adjudication of their case.
 - C. The initial complaint may be made orally or in writing. If the complaint is made orally, same shall be reduced to a written document, which shall, if it is deemed accurate, be signed by the complainant. If an

individual is uncomfortable making a written complaint, the Borough may proceed with its investigation without a formal written complaint.

5. **Investigation Procedure:** Once a complaint has been registered or a harassment situation has become known to the Borough, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint.

If the Borough determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include being suspended without pay pending a hearing, a written warning, suspension, demotion, or termination of employment.

6. **Privacy:** The Borough encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint will be given the utmost protection of privacy.

7. **Borough Liability:** Since the Borough prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint may be solely responsible for paying all costs of defense and/or any damages resulting therefrom which are awarded by any proper court of law or after an administrative hearing.
8. **False Accusations:** Since a charge of harassment is a grave and serious one, false accusations of harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person engaging in such behavior.

Any employee with questions regarding the Borough Anti-Harassment Policy may contact their supervisor or the Borough Administrator.

CONTAGIOUS/LIFE THREATENING ILLNESSES POLICY

The Borough encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. It is the policy of the Borough that employees with infectious, long-term, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or members of the public and also provided that the accommodation does not impose an unreasonable hardship on the Municipality.

Definition:

Contagious diseases for the purpose of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, Human Immunodeficiency Virus ("HIV"), and Acquired Immune Deficiency Syndrome ("AIDS").

Policy:

Employees afflicted with a contagious disease will be treated no differently than any other employee. Therefore, if the contagious disease affects the employee's ability to perform assigned duties, he/she will be treated like other employees who have disabilities which limit their job performance.

Employees who are diagnosed with contagious diseases and who want an accommodation should provide the Borough with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The Borough may also require a doctor's certification of an employee's ability to perform job duties. Additionally, the Borough may request that an employee undergo a medical examination.

The Borough will maintain strict confidentiality of the diagnosis and medical records of employees with contagious diseases, unless otherwise required by law. The Borough will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials.

Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information. Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not be identified, either directly or indirectly, as the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation. Information may be disclosed to the Department of Health as required by State or Federal law.

Employees concerned about being infected with a contagious disease by a coworker, or other person, should convey this concern to their supervisor. Employees who refuse to work with or perform services for a person known or suspected to have a contagious

disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination.

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

The Borough supports, where feasible and practical, educational programs to enhance employee awareness and understanding of contagious diseases.

AMERICANS WITH DISABILITIES ACT POLICY

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough.

The Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Administrator and Mayor and Council. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

The Borough believes that decisions involving individual employees and the terms and conditions of an individual's employment should, to the fullest extent possible be determined by a full and fair review of relevant facts and circumstances pertaining to the qualifications of individual(s) involved, the Borough's legitimate business concerns, and the interests of the Borough's taxpayers.

The Borough further believes that employment-related decisions should never be resolved by reliance upon generalizations, speculation, or prejudice, and in order to ensure that the Borough's policy against discrimination is properly understood, administered and implemented, the Borough nevertheless believes that it would be beneficial to memorialize the principles and procedures which govern its employment-related decisions.

The Borough's policy prohibiting discrimination against the disabled shall apply to all practices, terms, conditions, and privileges of employment specifically including, but not limited to, job applications, testing, hiring assignments, evaluation, disciplinary actions, training, promotion, medical examinations, layoffs, termination, compensation, leave, and benefits. To the fullest extent possible, all Borough practices and procedures shall be interpreted and implemented in conformity with the aforesaid policy, as well as, with the legal requirements of the federal Americans with Disabilities Act ("ADA"), LAD, and all regulations promulgated thereunder. In the event that any practice or procedure shall be determined to be irreconcilable with the Borough's policy against discrimination, the ADA, or the LAD, such practice or procedure shall be immediately discontinued.

The Borough, its officers, and employees shall not condone or participate in acts constituting discrimination against the disabled including, but not limited to, the following:

- A. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability;
- B. Participating in a contractual or other arrangement or relationship that subjects qualified applicant or employee with a disability to discrimination;
- C. Denying employment opportunities to a qualified individual because he or she has a relationship or association with a person with a disability;
- D. Refusing to make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship upon the Borough's business;
- E. Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the conduct of Borough business.
- F. Failing to use employment tests in the most effective manner to measure actual abilities. Test must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability (unless such skills are being measured in order to determine ability to perform essential job functions);

- G. Denying an employment opportunity to a qualified individual because he or she has a relationship or association with an individual with a disability;
- H. Discriminating against an individual because he or she has opposed an employment practice of the Borough or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the ADA and/or LAD.

Employment-related decisions shall, wherever applicable, be based upon individual qualifications as well as relevant facts and circumstances pertaining to the individual(s) involved and the matter in question. The Borough shall take all reasonable and necessary action required to ensure equal opportunity in the job application process, enable a qualified individual with a disability to perform essential functions of a job, and enable a qualified employee with a disability to enjoy equal benefits and privileges of employment. Reasonable accommodations shall be offered to otherwise qualified individuals so long as same will not result in undue hardship to the Borough or pose a direct threat (meaning a significant risk of substantial harm) to the health and safety of the individual or other employees. Due consideration shall be given to the purpose and essential functions of the job, as well as, the specific physical or mental abilities and limitations relating to such essential job functions. Management and employees shall work cooperatively and take all reasonable action needed to accurately identify abilities and limitations; as well as, to determine the available and reasonableness of potential accommodations.

The Borough and all its officers or employees charged with the responsibility or making employment-related decisions or overseeing regulatory compliance shall not utilize any qualification standards or selection criteria that would screen out or tend to screen out an individual with a disability on the basis of such disability unless the utilization of such standard or criteria is both job-related and consistent with business necessity.

The Borough, may, from time to time, require medical examinations. In such event, the Borough shall abide by all relevant, prevailing legal requirements and with the following policy:

- A. Under no circumstances shall the Borough require a job applicant to take a medical examination, respond to medical inquiries, or provide information concerning prior workers' compensation claims before making a firm job offer to such applicant.
- B. The Borough may condition a job offer upon the satisfactory result of a post-offer medical examination or inquiry if same is required of all entering employees in the given job category. Failure to hire based upon a post-offer medical examination must be job-related and necessary for the conduct of Borough business. In such event, it must also be clear that no reasonable accommodation could be made or that same would impose an undue hardship upon the Borough.

- C. Under no circumstances will a post-offer medical examination result in disqualification due to mere speculation that a disability may cause future injury, but disqualification may result from a direct threat to the health or safety of the applicant or other employees so long as same is job-related and consistent with the necessary conduct of Borough business. Management and conditional employees shall cooperate fully in order to accurately and expeditiously determine the conditional employee's abilities/limitations and whether reasonable accommodations may be made without undue hardship.
- D. Medical examinations may be required if an employee is having difficulty performing his or her job effectively. If it is determined that such difficulty arises from a disability, the Borough shall take appropriate action to determine whether such difficulty may be relieved by reasonable accommodations without undue hardship.
- E. In the event that an employee becomes ill, injured, or is diagnosed with a condition which may materially affect job performance, the Borough may require medical examinations to determine whether the employee suffers from a disability, and if so, to determine whether the employee may fulfill essential job functions, with or without reasonable accommodations.
- F. Management and employees shall cooperate fully in order to accurately and expeditiously determine the employee's abilities/limitations and whether reasonable accommodations may be made without undue hardship.
- G. The Borough, may, from time to time, require medical examinations in compliance with federal law and state law, provided that the latter is not in conflict with the requirements of the ADA.
- H. Any and all information obtained by the Borough through medical examinations or inquiries shall be maintained in strict confidence. In this regard, such information shall be collected and maintained on separate forms, held in separate medical files (outside personnel files) and be treated as a confidential medical record. Files shall be kept in a locked cabinet with access restricted to the Borough's Clerk and Administrator or such other individual(s) as the Borough may specifically designate hereafter. The following limited exceptions shall apply:
 - a. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
 - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in case of fire or other evacuations;

- c. Government officials investigating compliance with the ADA and other Federal and state laws prohibiting discrimination on the basis of disability or handicap should be provided relevant information upon request. (Other Federal laws and regulations also may require disclosure of relevant medical information);
- d. Relevant information may be provided to state workers' compensation offices or "second injury" funds, in accordance with state workers' compensation laws;
- e. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for employees.

The Borough shall not enter into any contractual or other legal relationship which would violate its obligations under the ADA and reserves the right to take all necessary action to comply with ADA requirements. This reservation of rights shall be inserted in all collective bargaining agreements and other such contracts as the Borough may hereafter deem appropriate.

The Borough's Administrator and such other employees as may be hereafter designated by the Borough shall periodically review the Borough's policies, practices, forms, and procedures in order to ensure continued compliance with this policy, the ADA, the LAD, and such other relevant legal requirements as may be in effect from time to time.

Nothing herein stated shall restrict or be deemed to restrict the Borough's exercise of managerial prerogatives or discretion, provided that such discretion is exercised within the confines of the ADA, LAD, and other relevant legal requirements, as well as, in conformity with the Borough's collective bargaining agreements.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the Borough facilities. Any questions concerning proper assistance should be directed to the Administrator.

PRE-EMPLOYMENT BACKGROUND CHECKS POLICY

It is the policy of the Borough to perform pre-employment background checks. The purpose of performing these checks is to determine and or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. The Policy will help ensure the safety of the public as well as a safe working environment at the Borough. The Policy will help ensure that employment related decisions utilizing pre-employment background check are made in accordance with applicable law. Information obtained by the Borough doing a background check may only be accessed by the Mayor and Council, Legal Counsel and Administrator. Other individuals may only have access as necessary or required by law.

Introduction

The Borough will perform pre-employment background checks on all candidates for employment. In addition, if an employee changes positions in the Borough, any additional required background checks for that position which have not previously been performed will be performed.

The components of each candidate's background check will depend upon the job applied for. Depending upon the particular position, the Borough may currently perform identity and address related searches, various types of criminal (including sexual offender) background checks, employment credit checks, and driving record, education, prior employment and professional license verifications.

The Borough complies with the federal Fair Credit Reporting Act (FCRA), similar state laws, federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.

The results of a pre-employment background check are confidential and are to be shared with members of the Borough on a strict "need to know" basis.

Disclaimers

It is not the purpose of this Policy to provide detailed information or descriptions of each individual pre-employment background check that can be performed. It is not the purpose of this Policy to provide detailed information how to make a final decision regarding the results of a pre-employment background check; every case must be decided on its own merits subject to the Borough requirement that all candidates be treated equally and consistently. It is not the purpose of this Policy to provide detailed information of all applicable law. Questions about these subjects should be directed to the Administrator.

This Policy does not limit the Borough's right to hire, discipline or terminate. This Policy does not create a contract of employment. All employment is at-will unless any contract or controlling law applies to the contrary.

Procedures

1. Pre-employment background checks are required for all candidates.
2. All candidates will be required to sign appropriate authorizations and consents prior to the performing of any pre-employment background checks.
3. Candidates that provide false or misleading information in their application and/or authorization may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.

4. All job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
5. Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
6. All candidates shall be individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.
7. In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:
 - the nature of the job for which the applicant is being considered
 - the nature of any adverse or negative information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant
 - the age of any adverse or negative information; the age of the applicant at the time of the adverse incident in relation to the present may also be relevant.
8. Having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment.
9. Having adverse information, including a judgment, lien or bankruptcy does not automatically preclude a candidate's eligibility for employment. Employment credit reports will be used as follows:
10. The Company's use of credit reports is limited to the following positions:
 - a. Accounts payable
 - b. Accounts receivable
 - c. Employees that handle cash or cash equivalents
 - d. Senior management
11. Having negative credit information does not automatically exclude an applicant. Every applicant will be individually considered. Under no circumstances should an employment decision be based solely on information in a credit report.
12. Bankruptcy information shall not be considered.
13. The credit report will be analyzed to determine the following:
 - a. Is the employee in a problematic financial position? For example:
 - i. Does the applicant have monetary judgments? If so, how much? What is the nature of the judgments?
 - ii. Are there liens against the applicant?
 - iii. Is the applicant being evicted or is a mortgage foreclosure pending?
 - iv. Is the applicant's car or other personal property being repossessed or has it recently been repossessed?

- b. The foregoing items evidence a need for money. That does not mean that a person in financial difficulty will engage in inappropriate activity. It does mean that the credit and other information about the applicant should be considered to determine if there is a likelihood that a defalcation will occur.
- c. In addition, consideration should be given to whether or not the applicant's personal financial problems will interfere with their ability to perform their duties. Discussion with the applicant will be held when appropriate to determine how the applicant is dealing with their problems, since some employees with personal problems are required and/or inclined to deal with them during the workday. Consideration will be given to whether the applicant has sought consumer credit counseling or made an arrangement with creditors that would mitigate or eliminate this concern.
- d. Senior management applicants should also be reviewed with respect to their ability to manage the Company's affairs given their management of their personal obligations.
- e. Extenuating circumstances, such as illness, divorce or other family problems should be taken into consideration.

The Borough shall review the results of all other pre-employment background checks and make the appropriate determination. The Borough may always contact legal counsel for additional guidance.

PRE-EMPLOYMENT DRUG TESTING POLICY

The purposes of this policy are to provide a safe and productive working environment, to prevent accidents, injuries and property damage which may result from employee drug abuse.

This policy covers applicants for all positions in the Borough including applicants for temporary and seasonal positions, part-time working less than half time, limited term, and non-represented employees on employment agreements.

This policy does not apply to current Borough employees who are internal applicants for open positions.

DRUG POLICY STATEMENT

The Borough is committed to a workplace which is free from the effects of unauthorized drug use. Unauthorized drug use may pose serious risks to the user and his or her colleagues, as well as to the public we serve. Therefore, the Borough has chosen to conduct pre-employment screening to prevent the hiring of individuals whose unauthorized use of drugs creates a potential for impaired or unsafe job

performance.

Because of the inherent public safety and welfare concerns associated with public employment, applicants for all jobs within the Borough will undergo screening for the presence of illegal drugs as a condition for employment. Applicants will be required to submit to a urinalysis test at a laboratory of the Borough's choice.

Pre-employment Testing

Pre-employment drug testing is required for all positions. Applicants will be notified that drug testing is a requirement of the selection process.

A drug test result which is verified as positive for unauthorized use of controlled substances, or found to be substituted or adulterated, will disqualify the applicant for the offered position.

A negative dilute result is unsatisfactory on a pre-employment test. Applicants will be given one additional opportunity to provide a valid specimen. The result of the second test will determine whether the applicant is eligible for employment.

A person who receives any of the following results on the drug test is not eligible to be hired, and is disqualified from consideration from Borough employment for a period of twenty-four (24) months from the date of the test result:

- verified "positive,"
- second "negative dilute,"
- second sample outside the allowed temperature range
- "cancelled—invalid result" where the donor's explanation is not accepted by the MRO
- verified "adulterated,"
- verified "substituted."

Drug Testing Procedures

Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice, using chain of custody procedures as described by United States Department of Transportation (DOT) regulations (49 CFR Part 40) and with respect for the privacy and dignity of the person giving the specimen. Drug test specimens will be collected to provide at least 30 mL of urine.

If an applicant is unable to provide an adequate volume of urine on the first attempt ("shy bladder"), he/she will have an opportunity to drink up to 40 ounces of fluids within three hours. At the end of this period, if a sample of adequate volume has not been provided, the test will be cancelled. A retest will be allowed if the applicant provides a medical evaluation from a licensed physician, acceptable to the Borough, who has expertise in the medical issues raised by the applicant's failure to provide a sufficient

specimen.

The collector will check the temperature of the specimen upon receiving it from the applicant. The acceptable temperature range is 90 – 100 degrees Fahrenheit. If the specimen is outside the acceptable range, the applicant will begin a second unobserved collection. If the second specimen is also outside the acceptable range, the applicant will be disqualified. If within range, the second specimen will be tested at the lab. Only laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services will perform drug testing.

When an initial screening test for drugs is positive, a second, confirmatory test will automatically be performed. Confirmed positive drug tests will be reported by the testing laboratory to the MRO for verification (See “Drug Test Results Review”).

Drug Test Results Review

Drug test results of an applicant which are reported as positive, adulterated, or substituted by the testing laboratory will be reviewed and verified by the Medical Review Officer (“MRO”).

A POSITIVE drug test result is defined as the detection of any one or more of the substances listed in the table shown below.

Substance or Class	Cut-off Initial Screening	Confirmation Cut-off
Amphetamines	1000 ng/mL	500 ng/mL
Cocaine	300 ng/mL	150 ng/mL
Marijuana (THC)	50 ng/mL	15 ng/mL
Opiates	2000 ng/mL	2000/10ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL

A confirmed positive test from a certified laboratory does not automatically identify an employee or applicant as being in violation of this policy. The MRO brings detailed knowledge of possible alternate medical explanations to his/her review of the test results. This review is performed by the MRO prior to the transmission of results to the Borough.

Medical Review Officer Reporting Options

- “Negative” – self-explanatory.
- “Negative Dilute” – Upon receipt of a “negative dilute,” the applicant shall be required to provide another specimen as soon as possible.
- “Canceled – Test Not Performed, Fatal Flaw (with flaw stated) or Uncorrected Flaw.”

- A canceled drug test is neither positive nor negative and no consequences are attached to it. The applicant will be given the opportunity to take a second test.
- “Cancelled – Invalid Result.” An “invalid result” means the laboratory was unable to obtain a valid result when attempting to test the specimen. If the MRO has accepted the donor’s explanation as to why the laboratory was unable to obtain a valid result, then the MRO will notify the Borough and a retest will be allowed. If the MRO has not accepted the donor’s explanation, the MRO will notify the Borough and the applicant will be disqualified.
- “Positive or Positive Dilute” – Applicant is disqualified.
- “Adulterated” – Applicant is disqualified.
- “Substituted” – Applicant is disqualified.

MRO Verification Without Notifying the Employee

The MRO is permitted to verify a test as positive, or as a refusal to test because of a laboratory report of a positive adulterated, or substituted specimen without interviewing the applicant under the following circumstances:

- The applicant expressly declines the opportunity to discuss the test with the MRO.
- The Borough has successfully made and documented a contact with the applicant, and has asked the applicant to contact the MRO, and more than 72 hours have passed since the time the Borough contacted the applicant.

NOTE: If a test is verified positive under the latter circumstances, the donor may give the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented him/her from contacting the MRO. On the basis of this information, the MRO may re-open the verification, allowing the donor to present information concerning a legitimate explanation for the positive test. If the MRO concludes that there is a legitimate explanation, the MRO shall verify the test as negative.

Communication of Results

The MRO or his/her designated representative will report test results ONLY to the Designated Employer Representative (“DER”). Confidentiality will be strictly maintained. If the result is positive, the MRO or his/her authorized representative will report the identity of the controlled substance.

Applicants may obtain copies of their test results by requesting them in writing from the MRO within 60 days of being notified of the results.

Record Keeping Procedures

The Borough’s DER will maintain pre-employment drug testing records in a secure filing

system with information available only on a “need to know” basis for a period of two years.

Definition of Terms

For the purposes of this Policy, the following definitions apply.

Adulterated Specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

CFR: United States Code of Federal Regulations.

Chain of Custody: Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory be used from time of collection to receipt by the laboratory.

Collection Site: A designated clinic/facility where applicants or employees may present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collector: A person who instructs and assists applicants and employees through the urine specimen collection process.

Confirmation Test: A second analytical drug testing procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC-MS) is the only authorized confirmation method for DOT mandated drug testing.

Controlled Substances: Substances listed on Schedules I through V in 21 U.S.C. 802 as they may be revised from time to time (21 CFR 1308). Controlled substances include illicit drugs and drugs which may be authorized for use by a physician or dentist for certain medical uses, but which are subject to misuse or abuse.

Borough: Borough of Ship Bottom.

Designated Employer Representative (DER): An employee authorized by the employer to manage and make decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, and communicates test results to individual departments.

Dilute Specimen: Specimen with creatinine and specific gravity values that are lower

than expected for human urine.

DOT: United States Department of Transportation.

FHWA: Federal Highway Administration.

FMCSA: Federal Motor Carrier Safety Administration.

Initial or Screening Test: An immunoassay screen to eliminate “negative” urine specimens from further consideration.

Medical Review Officer (MRO): A licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders and drug testing who is responsible for reviewing and verifying drug testing results prior to their communication to the Designated Employer Representative.

Negative Drug Test: A test in which initial or confirmation testing did not show evidence of a prohibited drug in an applicant’s system above established levels; OR, a test which is verified as negative by the MRO (e.g. review showed positive test was due to prescription medication or other authorized use of controlled substance).

Positive Drug Test: A urine drug test result which indicates the presence of controlled substances beyond the cut-off levels.

Confirmed Positive Drug Test: A positive drug test which has undergone an initial “screening” test AND a confirmation test which validates the first result. Drug tests are confirmed by the SAMHSA certified laboratory which performs the analyses.

Verified Positive Drug Test: A confirmed positive drug test (see above) after investigation by the MRO, who has determined that no legitimate explanation exists for the presence of the controlled substance that was detected.

Prohibited Drugs: Marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

Refusal to Submit: Refusal by an individual to provide a urine specimen.

SAMHSA: Substance Abuse and Mental Health Services Administration, a division of the US Department of Health and Human Services (DHHS) which is responsible for certifying laboratories to perform federal workplace drug testing.

Screening or Initial Test: Immunoassay screen to eliminate “negative” urine specimens from further consideration.

Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

WORK DAY AND ATTENDANCE POLICY

Accurate time and attendance records shall be maintained on each employee by the person in charge of their Department who shall certify to the Finance Office, the accuracy of his or her records on employees' absences for sick leave, vacations, leaves of absence, death, maternity, jury duty, or any other authorized or unauthorized absences. The pay period for all employees shall be bi-weekly, unless otherwise specifically provided by resolution of the Borough.

The "regularly" scheduled work week for Borough employees shall be as follows:

1. The normal work day for white collar personnel shall be comprised of seven and one-half (7½) hours, including a one (1) hour unpaid meal break and two (2) fifteen (15) minute paid breaks. Specific shifts and hours shall be scheduled by the Borough from time to time.
2. The normal work day for blue collar personnel shall be eight and one-half (8½) hours, including a one-half (½) hour unpaid meal break, and two (2) fifteen (15) minute paid breaks. Specific shifts and hours shall be as scheduled by the Borough from time to time, with reasonable notice of same being given by posting.

FLEX SPENDING ACCOUNT POLICY

Any information or questions concerning the Borough's Flex Spending Account may be obtained from the Administrator and/or the Finance Department.

OVERTIME AND COMPENSATORY TIME POLICY

Non-Exempt Weekly and Hourly Paid Staff

This policy applies to all non-exempt weekly and hourly-paid staff members whose employment status is regular full-time, regular part-time, limited service, seasonal, or temporary. If any employee is a member of a collective negotiations unit, the terms of that collective negotiations unit, to the extent they conflict with this policy, shall control. All non-exempt staff members are subject to the overtime pay provisions of the Fair Labor Standards Act ("FLSA") and must be compensated for all hours worked, including all hours worked on and off work premises. Employees are not permitted to work in excess of their regularly scheduled work hours without prior supervisory approval.

All hours worked in excess of forty (40) in one week shall be paid at the overtime rate or granted an equivalent amount of compensatory time at the employee's option. The overtime rate of pay shall be one and one-half (1.5) times the regular rate of pay, based upon a forty (40) hour work week.

Any employee whose regular work schedule is less than 40 hours per week shall receive straight compensatory time (hour for hour) for any hours worked in excess of his/her regular schedule but not more than 40 hours. Hours worked in excess of 40 hours shall be paid at time and one-half or granted an equivalent amount of compensatory time at the employee's option. Employees shall not be permitted to accumulate more than 100 hours of compensatory time.

Exempt Staff

Exempt employees (e.g., Administrator, Municipal Clerk) shall only receive compensatory time (straight time) for hours worked beyond his/her regularly scheduled weekly hours and this compensatory time shall be calculated on an hour for hour basis. No employee is permitted to work in excess of his/her regular schedule without obtaining prior approval of the Mayor or his/her designee. Failure to obtain approval may result in disciplinary action. Additionally, exempt employees may accrue no more than eighty (80) hours of compensatory time. Exempt employees must obtain prior approval to use any accrued compensatory time, which approval shall not be unreasonably denied.

PAID AND UNPAID TIME OFF POLICIES

Scope:

These policies cover full-time, non-union employees to the extent any applicable employment agreements do not cover same. They also cover union employees to the extent that their collective bargaining agreements do not conflict with the Borough's personnel policies and procedures. The Collective Bargaining Agreements shall supersede and/or modify the Borough's personnel policies and procedures.

PAID HOLIDAYS POLICY

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

Hours worked on a holiday shall be compensated at one and one-half (1½) times the employee's hourly rate. Holidays shall be counted as time worked for overtime purposes. Any employee who is absent without Borough approval on the day before or the day after a holiday shall not receive holiday pay unless the absence was approved in advance.

SICK LEAVE POLICY

Sick leave is earned by full-time employees at the rate of one (1) working day for each month of service, credited in hours. Employees who are bound by union contracts will abide by the sick leave schedule set forth within those contracts. In the event an employee intends to be absent on account of illness on any day, the employee shall notify the Borough prior to their normal starting time. Failure to report daily shall be deemed grounds for refusal to grant sick leave.

An employee who shall be absent on sick leave for three (3) or more consecutive days shall be required to submit acceptable medical evidence substantiating the illness if requested by the Borough Administrator. This certificate should be in writing and should indicate the date of illness and the approximate date that the employee will be capable of returning to his/her regular duties. Sick leave not taken shall accumulate from year to year to the extent permitted by law, and the employee shall be entitled to such accumulated sick leave if and when needed. Sick leave taken will be charged first against the current year, then against prior years with the most recent being utilized first.

PERSONAL LEAVE POLICY

Full-time employees are entitled to five (5) days leave with pay for personal business annually. Where possible, requests for leave shall be asked for and obtained in advance of the requested date or dates from the employee's department head. Dates requested shall be subject to the approval of the department head, which approval shall not be unreasonably withheld. Personal leave days must be used within the one (1) year period and shall not be cumulative from year to year. Leave days requested at the beginning of or end of a vacation or weekend will not be granted except under extraordinary circumstances.

An employee is not required to specify the personal business reason for the personal day request, except in emergency situations when two (2) or more employees are performing similar job functions within the Department apply for personal leave to be taken on the same day.

During the first year of employment, an employee shall earn days at the rate of one (1)

day for each two (2) months of employment. Probationary employees, part-time employees, and/or temporary employees are not entitled to personal days.

LEAVE OF ABSENCE POLICY

An official leave of absence may be granted by Resolution of the Borough. At the discretion of the Department Head, and with the approval of the Borough, any employee may be granted a leave of absence without pay.

An employee on leave of absence without pay, except military leave, does not accrue vacation leave, sick leave, or any other benefits. No payments will be made to the pension system or health plan during this leave of absence, however, unless the employee agrees to bear the costs. Written notice of the foregoing shall be provided to the employee prior to taking such leave.

A leave of absence shall not exceed three (3) months in length, after which it may be reconsidered and any requested extension shall either be granted or denied. Employees are required to notify the Borough of the anticipated date of return, as soon as such is known to the employee. Failure to return on such date without notice shall be considered a voluntary resignation.

The Borough shall have the sole discretion in matters of leaves of absence and each decision made shall be on its own merits. In no event shall the decision whether or not to grant a leave be precedential as to any other decision regarding a leave, nor shall denial shall be the subject of a grievance in accordance with the collective bargaining agreement.

JURY DUTY POLICY

Employees called for jury duty shall be granted leave with straight pay less any compensation they may receive for attending required jury duty for a maximum of two (2) weeks per year. If an employee is required to serve on jury duty, such employee shall be required to notify the Borough Administrator in advance and report for their regularly scheduled work on the calendar day immediately following their final discharge from jury duty. If discharged from jury duty prior to the end of a work day, employees shall report for work for the duration of the work day.

If there is a change in the originally scheduled jury duty leave, the employee must notify the Borough Administrator to make the necessary arrangements to return to work, otherwise, the employee shall receive no pay from the Borough. Employees are expected to cooperate with the Borough and report to work where possible. The Borough Administrator must be notified in advance any day that the employee is not required to report for jury duty.

BEREAVEMENT LEAVE POLICY

All full-time permanent Employees shall be granted up to a maximum of five (5) consecutive days leave, including the day of the funeral, without the loss of regular straight time pay, upon the death of a member of his or her immediate family, upon the approval of the respective Supervisor. "Immediate family" means an Employee's spouse, child, parent, brother, sister, grandparent, stepchild, step-parent, or any other dependent residing with the Employee, and any parent, step-parent, brother, sister, or grandparent of the Employee's spouse. The definition of spouse shall include partner in a civil union pursuant to the definition of civil union under New Jersey Law. Special request for the use of a non-consecutive bereavement days shall be considered on a case-by-case basis at the sole discretion of the Administrator.

VACATION LEAVE POLICY

Permanent full-time employees shall be entitled to the working time shown as vacation with pay at the employee's regular rate of pay:

After one (1) year of service	ten (10) days;
After three (3) years of service	fifteen (15) days;
After six (6) years of service	sixteen (16) days;
After nine (9) years of service	seventeen (17) days;
After twelve (12) years of service	eighteen (18) days;
After fifteen (15) years of service	nineteen (19) days;
After eighteen (18) years of service	twenty (20) days;
After twenty (20) years of service	twenty-four (24) days.

POSTING OF REQUIRED EMPLOYMENT NOTICES POLICY

The Borough shall provide and maintain notices relative to workplace conditions as required by state and federal law. Said notices shall include, but not be limited to, Title 34, Chapter 15 Article 5 Revised Statutes of New Jersey, Right-To-Know, Unemployment & Disability Insurance, New Jersey Child Labor Law Abstract, PEOSHA Notification and any materials relevant to Employee's Rights and Workplace Safety.

BULLETIN BOARD POLICY

The bulletin boards located in the Borough administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Administrator may post, remove, or alter any notice. The Collective Bargaining Agreements shall supersede and/or modify the Borough's personnel policies and procedures where applicable.

DRUG/ALCOHOL TESTING PROCEDURE

The Borough of Ship Bottom has zero tolerance for the use of illegal drugs. Use of illegal drugs on or off Borough property is cause for immediate termination.

This policy is intended to supplement the provisions of any collective negotiations agreement ("CNA"). If there is a conflict between any CNA and this policy, the provisions of the CNA control, unless superseded by law.

The Borough recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. An employee may be referred for drug and alcohol testing in the following situations:

- a. **Pre-employment:** Conducted before applicants are hired or after a conditional offer to hire is extended. Also required when employees transfer to a safety-sensitive position. See Borough's Pre-Employment Drug Testing Policy, above.
- b. **Post-accident:** Conducted after any event involving the actions of an employee resulting in personal injury or damage to property.
- c. **Reasonable suspicion:** Conducted when a supervisor or Borough official observes behavior, conduct, work performance, or appearance that is characteristic of substance abuse.
 - i. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Administrator or Mayor and complete the Observed Behavior Reporting Form, appended hereto.
 - ii. An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment.
 - iii. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination.

Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

- d. **Random/Safety-Sensitive:** Conducted on a random, unannounced basis for employees engaged in safety-sensitive positions or otherwise required to be tested under federal or state law. Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government and according to DOT regulations. Other "safety sensitive" positions are those duties in which impairment constitutes an

immediate and direct threat co-workers, to the workplace, or to the public health or safety. Positions that require employees to carry firearms, utilize heavy machinery, operate Borough vehicles, or operate other Borough equipment which, if used improperly can result in death or serious personal harm, work with controlled substances, carry out procedures in life threatening situations, work with confidential information or documents pertaining to criminal investigations, or work with confidential juvenile information, or where the employee has access to a juvenile facility or is responsible for the well-being of a minor fall within this category. Any position in which a momentary lapse in attention could result in injury or death to another person is deemed "safety sensitive." Examples of these positions, include, but are not limited to police officers, DPW employees, Water Department employees, and lifeguards.

- e. **Return to duty and follow up:** The Borough has no tolerance for violations of its drug and alcohol policy. In the limited circumstances when a return to work is required by federal law/regulation, return to duty testing and follow up will be conducted when an individual who has violated the prohibited drug and alcohol conduct standards returns to work. Follow up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow up testing may be extended for up to 60 months following return to duty.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises or during work hours by employees is strictly prohibited and is cause for immediate termination. Additionally, employees may be terminated for illegal drug use that does not occur on work premises.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees using prescription drugs that may affect job performance or safety must notify the Administrator and/or their Department Head, who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. The Borough reserves the right to assist employees who may have a drug/alcohol problem through an Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

SAFETY POLICY

The Borough is vitally concerned with the safety, health, and welfare of its employees in

maintaining a safe work environment in conducting the operations of the Borough. The Borough shall comply with the Public Employees Occupational safety and Health Act ("PEOSHA"). The Borough provides to each employee such personal safety equipment as mandated by regulatory agencies, and such other optional personal safety equipment as deemed desirable and prudent, and as approved by the Supervisory Staff, as recommended by the Safety Officer, In-House Safety Committee, Union Representatives, JIF Risk Management consultants, and any employees on an individual basis, and as approved by the Supervisory Staff.

In addition to the personal safety equipment, the Borough also provides "community" safety equipment for shared use by all employees, both mandated, and desirable and prudent. To limit the risk of injury to maintain the safest possible work environment for its employees, the governing body of the Borough of Ship Bottom is committed to a policy of enforcement in the utilization of both personal and community safety equipment as required by each particular situation.

In-house and Regional Safety Seminars are given on a continuing basis to all applicable employees in the proper use and required use of various safety items and equipment, and for the proper use of safety equipment to any employee desiring such instruction and assistance.

The Borough recognizes that the act of merely providing safety items, training and equipment, is not one hundred percent effective in obtaining its goal without a policy of enforcement and mandated use of the personal items and equipment provided, and in order to supplement, enhance, and reinforce prior policy objectives, both written and oral of the Supervisory Staff, that:

1. All items of personal safety issued to each employee are to be maintained by each employee. Items lost, misplaced or damaged through negligence shall be replaced by the employee at his cost. Safety items of a personal nature that are worn out by normal wear and tear through proper usage, outdated, or require to be upgraded, will be furnished by the Borough at no cost to the employee.
2. Safety items of a "community" use nature shall be utilized and maintained by the work force using such equipment under the supervision and direction of the Foremen.
3. While all personal and community safety equipment is of equal importance in its particular application, special emphasis is given to the following four items of issued personal gear and their application and use:
 - a) All maintenance employees are to wear non-slip work boots at all times while in the employ of the Borough.
 - b) Individual hard hats are to be worn at all times during any situation that may allow objects to fall and/or strike an employee's head.
 - c) Protective eye covering (safety glasses) are to be worn at all times

while grinding, drilling, hammering, or any other activity that may result in any foreign object being directed toward the employee's eyes.

- d) Back braces are to be worn for any lifting continuous bending or activity that places unusual stress upon the back or middle torso of the employee.

It is the Borough's intention that the above abbreviated required uses for the specified safety equipment is not to replace or supersede the specialized training received in the use of such items or to supersede common good sense of judgment, but to supplement the current practices, policies and procedures, on proper use of personal safety items.

Enforcement of this policy statement shall be the responsibility of the Borough Safety Officer, Foremen, and all Supervisory Staff. Appropriate disciplinary action shall be taken in the event of non-compliance with the safety policy or with regard to violation of other relevant safety rules, regulations and/or procedures. The Borough reserves the right to impose severe disciplinary measures including, but not limited to, termination of employment in the event of repeated and/or willful disregard of applicable safety standards which place the employee, fellow employees, and/or others in a situation of potential bodily harm. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department head. Any on-the-job accident or accident involving the Borough's facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head.

REDUCTION IN WORK FORCE AND LAYOFF POLICY

The Borough may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Any reduction in the Borough's work force shall adhere to the parameters established by collective bargaining agreements, and with the provisions of state statutes, where applicable. In all cases, layoffs and/or recalls, when necessary, shall be made based upon seniority. The Borough Administrator and the elected representatives of each union (a/k/a shop steward) shall be charged with the duty of maintaining a seniority list for such purpose.

Non-union employees, and those employees whose title is not provided for by state statute, shall serve at the discretion of the Borough and shall not be entitled to the protections afforded by union contract and/or state statute. However, the Borough recognizes the contribution made by these workers, both full and part-time, and they will be afforded a reasonable accommodation during periods of work force reduction within the limits established by the Borough's budgetary limits, at such times.

PERIODIC OBJECTIVE EMPLOYEE EVALUATION POLICY

The Borough recognizes the importance of conducting periodic evaluations of employee performance to assist in the growth and development of all employees. Such evaluations shall identify employee strengths as well as weaknesses, and will become the basis for creating a personal improvement or development program for the

employee. Employees shall be evaluated in writing on a form to be determined by the Administrator or other individual performing those duties at least once an anniversary year, with periodic interim evaluations as management deems necessary.

Each year, every supervisor and/or Department Head will prepare an evaluation for each of his/her employees utilizing the Employee Evaluation Form. Department Heads and/or supervisors are accountable for ensuring all evaluations are done in accordance with the prescribed procedures and time frames. The immediate supervisor who prepares the evaluation form will discuss its contents with the employee. If necessary, the evaluation process will include the development of a practical plan for improving employee performance which will identify areas which can be corrected with additional training. The immediate supervisor and the employee will discuss the points of this plan and its implementation. After the review, the forms are to be forwarded to the Office of Personnel for inclusion in the employee's official personnel file.

DISCIPLINE AND TERMINATION POLICY

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, the employee's relationship with his/her supervisor, and the best interest of the Borough. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

- Removal
- Disciplinary demotion
- Suspension of greater than five (5) days

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this subject matter.

An employee may be subject to discipline, including termination, for any of the following reasons:

- Incompetency, inefficiency or failure to perform duties;
- Insubordination;
- Inability to perform duties;
- Chronic or excessive absenteeism or lateness;
- Conviction of a crime;

- Conduct unbecoming a public employee;
- Neglect of duty;
- Misuse of public property, including motor vehicles;
- Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
- Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder;
- Falsification of public records, including attendance and other personnel records;
- Failure to report absence;
- Harassment of co-workers and/or volunteers and visitors;
- Theft or attempted theft of property belonging to the Borough, fellow employees, volunteers or visitors;
- Unauthorized absences and/or chronic or excessive absences;
- Fighting on Borough property at any time;
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough property and at any time during work hours;
- Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours;
- Entering the building without permission during non-scheduled work hours;
- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and for sales of products, such as those from Avon, Amway, etc.;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Deliberate destruction or damage to Borough property or the property of other employees;

- Sleeping on the job;
- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties;
- Violation of established safety and fire regulations;
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- Defacing walls, bulletin boards or any other property of the Borough or other employees;
- Unauthorized disclosure of confidential Borough information;
- Gambling on Borough premises;
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises;
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
- Conviction of a crime or disorderly persons offense;
- Violating any Borough rules, procedures, regulations or policies;
- Unauthorized use of computers, Internet, email, voicemail, telephone and cellular phone; and
- Other sufficient cause.

These are mere examples and not an exhaustive list or binding on the Borough. Additionally, the Borough reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or Borough.

ACCESS TO PERSONNEL FILES POLICY

The official personnel file for each employee shall be maintained by the Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable

time on the Borough's premises in the presence of the Administrator or his/her designee, which may include a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the Borough may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough's compliance with applicable law;
- To the Borough's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

CONFLICT OF INTEREST/CODE OF ETHICS

Officers and employees of the Borough of Ship Bottom will comply with the following provisions:

- A. No officer or employee of the Borough of Ship Bottom or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.

- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity: or independence or judgment.
- D. No officer or employee shall undertake any employment or service, whether compensated or not which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.
- E. No officer or employee, member of his or her immediate family, or any business organization in which he or she has an interest, shall solicit or accept any gift, favor, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contribution to the campaign of an announced candidate for elective public office, if the officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.
- F. No official or employee shall accept a gift or favor, whether in the form of money, service, loan or promise, or in any other form, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings in or with the Borough; nor shall any official or employee accept from any person, firm or corporation any such gift or favor which may tend to influence him or her in the discharge of his duties.
- G. No officer or employee shall use, or allow to be used, his or her public office or employment or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
- H. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding application or matter pending before the Borough. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representational responsibilities.

- I. No officer shall be deemed in conflict with these provisions, if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
- J. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward, or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family, where directly or indirectly in return therefore.
- K. Nothing shall prohibit any officer or employee of the Borough or members of his or her immediate family, from representing himself, herself, or themselves in negotiation or proceedings concerning his, her, or their own interests.
- L. No officer or employee shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness owed or allegedly owed by the Borough in which he or she has a direct or indirect personal pecuniary or private interest.
- M. No officer or employee appointed to the Borough shall request, use or permit the use of any public property, vehicle, equipment, labor or service or personal convenience for the private advantage of himself or herself or any other person. This prohibition shall not be deemed to prohibit any official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.
- N. The following is prohibited for the subsequent period, one (1) year period, after the termination of office by a former member of the Borough:
 - (1) Award any contract which is not publicly bid to a former member of that Borough.
 - (2) Allow a former member of that Borough to represent, appear for or negotiate on behalf of any other party before that Borough; or
 - (3) Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that Borough.

The restrictions contained in this subsection shall also apply to any business organization in which the former Borough member holds an interest.

POLITICAL ACTIVITY POLICY

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Borough time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, or Borough Administrator.

WHISTLE BLOWER POLICY

The Borough recognizes its obligations under the New Jersey Conscientious Employee Protection Act ("CEPA") and all employees are urged to immediately report any perceived violations of law or violations of public policy to their immediate supervisor. The supervisor shall be required to report this action to the Department Head who will institute remedial steps. Should the department head fail to take action, or if the employee is reasonably certain that the immediate supervisor has neglected to report his complaint to the higher Borough official, the employee shall report the violation directly to the Borough Administrator.

In the event that the policy or practice is a clear violation, and the employee has a reasonable certainty that the abuse is known to his superiors and fears retaliation, said employee shall have the right to disclose same to the Borough Council members. The Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Borough Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature.

Employees are encouraged to complain in writing using the Employee Complaint form. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy. The Borough recognizes that an employee or former employee retains his/her right to institute a civil action against the Borough for a CEPA violation within one (1) year and to seek relief under the CEPA Act.

COMMUNICATION MEDIA POLICY

The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media.** By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide the password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy.

Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Borough Administrator may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also

includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a

copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough's employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

VIDEO SURVEILLANCE POLICY

The Borough may install video surveillance camera systems within public buildings and throughout public areas within the Borough, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Borough will ensure compliance with federal, state and local laws governing such usage.

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission for the designee of the Borough.

The Borough shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Borough Administrator is immediately informed of such breach.

EMPLOYEE DATING POLICY

The Borough recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee's at will status.

FAMILY AND MEDICAL LEAVE POLICY

1. Eligibility

Employees may be entitled to a leave of absence under the federal Family and Medical Leave Act (FMLA) and/or New Jersey Family Leave Act (NJFLA). This policy provides employees information concerning FMLA and NJFLA entitlements and obligations

employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Borough Administrator.

FMLA leave is available to employees who meet the following criteria: an employee must: (1) have been employed by the Borough for at least 12 months (which need not be consecutive); (2) have been employed by the Borough for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

NJFLA leave is available to employees who meet the following criteria: (1) have been employed by the Employer for at least 12 months; and (2) worked 1,000 hours during the immediately preceding 12-month period.

2. Entitlements

The FMLA and NJFLA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

a. FMLA Leave Entitlement

The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Leave may be taken for anyone, or for a combination, of the following reasons:

- (i) To care for the employee's child after birth, or placement for adoption or foster care;
- (ii) To care for the employee's spouse, son, daughter or parent (but not in-law) who has a serious health condition;
- (iii) For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- (iv) Because of any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the National Guard or Reserves in support of contingency operation.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee

from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

b. NJFLA Leave Entitlement

An employee's NJFLA unpaid leave entitlement is limited to a total of twelve (12) weeks in any 24 month period upon advanced notice to the Borough. The 24-month period is calculated using a "rolling period" by measuring backward from the date an employee uses leave. Leave taken because of the birth or placement for adoption of a child may commence at any time within one year after the date of the birth or the placement for adoption. NJFLA unpaid leave for an employee may be taken to provide care made necessary by reason of:

- (i) the birth of a child of the employee;
- (ii) the placement of a child with the employee in connection with adoption of such child by the employee; or
- (iii) the serious health condition of a family member of the employee (family members include parents, in-laws, children, and spouse).

c. Leave covered by both the FMLA and NJFLA will run concurrently. For example, an employee taking leave to care for a family member will have the leave designated as both FMLA and NJFLA leave.

3. Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up twenty-six (26) weeks of leave during a single 12-month period to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks

in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; *or*
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;

- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

4. Intermittent Leave and Reduced Leave Schedules

FMLA and/or NJFLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember.

5. No Work While on Leave

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

6. Protection of Group Health Insurance Benefits

During FMLA and/or NJFMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

7. Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the Borough substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Borough will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

8. Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the Borough telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: (1) their rights and responsibilities in connection with such leave; (2) Employer's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Borough may retroactively designate leave as FMLA leave with appropriate written notice to employees provided Employer's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Employer and employee can mutually agree that leave be retroactively designated as FMLA leave.

9. Employee Leave Obligations

a. Provide Notice of the Need for Leave

Employees who take FMLA and/or NJFLA leave must timely notify the Employer of their need for leave. The following describes the content and timing of such employee notices.

1. Content of Employee Notice

To trigger FMLA and/or NJFLA leave protections, employees must inform Human Resources of the need for FMLA/NJFLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA and/or NJFLA leave specifically, or explaining the reasons for leave so as to allow the Borough to determine that the leave is FMLA or NJFLA-qualifying. For example, employees might explain that:

- (i) a medical condition renders them unable to perform the functions of their job;
- (ii) they are pregnant or have been hospitalized overnight;
- (iii) they or a covered family member are under the continuing care of a health care provider;
- (iv) the leave is due to a qualifying exigency caused by a covered military member being on active duty or called to active duty status; or
- (v) if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA or NJFLA leave under this policy. Employees must respond to Employer's questions to determine if absences are potentially FMLA or

NJFLA-qualifying.

If employees fail to explain the reasons for FMLA or NJFLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Employer has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA-leave.

2. Timing of Employee Notice

Employees must provide thirty (30) days advance written notice of the need to take FMLA and/or NJFLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Employer notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy the notice obligations, may have leave delayed or denied.

3. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, the Borough may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a difference covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, the Borough may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, the Borough may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

b. Scheduling of Medical Treatment and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the Borough and make a reasonable effort to schedule treatment so as not to unduly disrupt Borough's operations, subject to the approval of an employee's health care provider. Employees must consult with the Borough prior to the scheduling of treatment to work out a

treatment schedule that best suits the needs of both the Borough and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Borough may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the Borough may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Borough of the reason why such leave is medically necessary. In such instances, the Borough and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting Borough's operations, subject to the approval of the employee's health care provider.

c. Submit Medical Certifications Supporting Need for FMLA or NJFLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of the leave sought, employees may be required to submit medical certifications supporting their need for leave. As described below, there generally are three types of medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the Borough with timely, complete and sufficient medical certifications. Whenever the Borough requests employees to provide medical certifications, employees must provide the requested certifications within 15 calendar days after Borough's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Borough shall inform employees if submitted medical certifications are incomplete or insufficient, and provide employees at least seven (7) calendar days to cure deficiencies. The Borough will deny leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Borough (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Borough with authorization allowing it to clarify or authenticate certifications with health care providers, the Borough may deny leave if certifications are unclear.

Whenever the Borough deems it appropriate to do so, it may waive its right to receive

timely, complete and/or sufficient medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least thirty (30) days notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Borough has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at Borough's expense. If the opinions of the initial and second health care providers differ, the Borough may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Borough and the employee.

Depending on the circumstances and duration of leave, the Borough may require employees to provide recertification of medical conditions giving rise to the need for leave. The Employer will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

2. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Borough medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Borough may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

3. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, the Borough may require employees to provide: (1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and (2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies

arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Employer may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Employer may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

d. Substitute Paid Leave for Unpaid FMLA Leave

Employees shall be required to use any accrued paid time while taking unpaid FMLA and/or NJFLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA and/or NJFLA leave and the paid time will run concurrently with an employee's FMLA and/or NJFLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

Upon written request, the Employer will allow employees to use accrued paid time to supplement any paid disability benefits.

e. Pay Employee's Share of Health Insurance Premiums

During FMLA and/or NJFLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Borough notifies employees of other arrangements, whenever employees are receiving pay from the Employer during FMLA and/or NJFLA leave, the Borough will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA or NJFLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the Borough upon leave.

The Borough's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Borough will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Borough for the cost of the premiums the Borough paid for maintaining coverage during their unpaid FMLA and/or NJFLA leave.

It is unlawful for employers to: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA or NJFLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or NJFLA or involvement in

any proceeding under or relating to FMLA. If employees believe their FMLA or NJFLA rights have been violated, they should contact the Human Resources Department immediately. The Borough will investigate any complaints and take prompt and appropriate remedial action to address and/or remedy any violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

10. Exemption for Highly Compensated Employees

The Borough may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Borough. The Borough will notify you if you qualify as a "highly compensated" employee, if the Borough intends to deny reinstatement, and of your rights in such instances.

11. Family Temporary Disability

Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one (1) week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two (2) weeks.

MILITARY LEAVE POLICY

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the leave shall be without pay but without loss of time. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough group plan by

taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

DOMESTIC VIOLENCE LEAVE POLICY

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof

of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

Discussions by the governing body or any body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Borough may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

DRIVER'S LICENSE POLICY

Any employee whose work requires or results in the operation of Borough vehicles must hold a valid New Jersey State Driver's License and may be subject to motor vehicle abstract checks, in the discretion of the Borough and as permitted by law. All new employees who will be assigned work entailing the operating of a Borough vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' license through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Borough vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to possible termination.

Any information obtained by the Borough in accordance with this section shall be used by the Borough only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. §2721 et seq.)

WORKPLACE VIOLENCE POLICY

The Borough will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Borough will actively intervene in any potentially hostile or violent situation.

SMOKING POLICY

To comply with the statutes of the State of New Jersey and in keeping with the Borough's intent to provide a safe and healthful work environment, the Borough has adopted the following policy:

- Smoking is prohibited at all times in all areas within Borough Hall, the Police Station and Public Works and Water Department facilities,

- including, but not limited to, offices, meeting rooms, corridors, garages, bathrooms and lobbies and within designated "Smoke Free Zones".
- Smoking is prohibited at all times inside any Borough of Ship Bottom owned, leased or contractor vehicle operated by, or for the use of Borough employees or visitors.
 - Smoking shall only be permitted outside Borough Hall, the Police Station and Public Works and Water Department facilities.

The Borough policy responds to evidence that tobacco smoke creates a danger to the health of people who are present in a smoke-filled environment and establishes the means to regulate the use of smoking materials by Borough employees while on duty. Every attempt will be made to obtain to the greatest extent possible, freedom for the nonsmoker from the effects of smoking materials while preserving a reasonable degree of freedom for those who choose to smoke. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

ANNUAL REVIEW OF MANUAL

The Borough Administrator shall be charged with the responsibility to ensure that this manual is reviewed and updated on an annual basis, and kept current with any and all changes in local, state and federal law and regulations. This annual review should be conducted with and in consultation with the Mayor, Governing Body and legal counsel.

EMPLOYEE COMPLAINT POLICY

Employees who observe actions they believe to constitute harassment, including sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, or the Borough Administrator. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including

discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

EMPLOYMENT PROCEDURE

- **Recruitment:** The Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Supervisor to notify the Administrator who will distribute notification of the vacancy to all departments. The Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Administrator will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Borough will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of his or her job and also provided the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be

performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and are to be maintained by the Administrator separate from the employee's official personnel file. Medical exams shall include tests for drug and alcohol use.

- **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this manual entitled "Pre-Employment Background Checks Policy."
- **Job Offers:** The final decision will be made by the Borough Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough. The employment offer must be made in a letter to the candidate outlining the essential terms and conditions of the offer, which, at a minimum, should include: (i) title; (ii) salary; and (iii) amount of paid leave. References to this handbook for amount of paid leave is acceptable. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Borough Administrator will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

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PROCESSING AND ORIENTATION OF NEW EMPLOYEES PROCEDURE

All new regular full-time and regular part-time employees will be scheduled to meet with their Supervisor, Department Head and/or Borough Administrator on their first day for a

general orientation. Copies of all forms and acknowledgements must be returned to Human Resources for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

INITIAL EMPLOYMENT PERIOD PROCEDURE

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) days. During this initial employment period, the new employee or transferee will be provided with training and guidance from their Supervisor, Department Head and/or Borough Administrator. At the end of the initial employment period, their Supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period if the Borough concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the initial employment period. During the initial employment procedure, newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the Borough of Ship Bottom's employment at will policy. Employment with the Borough is at will and may be terminated at any time with or without cause or notice by the Borough or the employee.

EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** Employees should report complaints in writing, but are not compelled to do so.

- **Identification/Screening:** The Supervisor or Department Head must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation - Response Plan:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

PERFORMANCE EVALUATION PROCEDURE

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted (formally or informally) for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.

- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Administrator. After review by the Administrator, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Administrator.

DISCIPLINARY ACTION PROCEDURE

All employees are expected to meet the Borough's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Borough's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Borough's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Administrator, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Administrator for the employee's official personnel file.
- **Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Administrator, the employee will be so advised and a meeting arranged with the Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the

warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Administrator for the employee's official personnel file.

- **Suspension:** Whenever an employee is recommended for suspension, the Administrator will make the decision and may seek the advice of the Borough Attorney/Labor Counsel if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure and Civil Service procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough of Ship Bottom Administrator will make the decision only after seeking the advice of the Borough Attorney/Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure and Civil Service procedure.

PERSONNEL FILE PROCEDURE

The official personnel files shall be maintained by the Administrator and employee medical information will be maintained in a separate file.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;

- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURE

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to Human Resources. No employee may issue a reference letter without the permission of the Borough Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, Human Resources will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.

CONTINUING EDUCATION PROCEDURE

The Borough of Ship Bottom will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

PERSONAL APPEARANCE POLICY

Objective

The Borough expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The Borough recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate

employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice.

In keeping with this approach, the Borough allows reasonable self-expression through personal appearance, unless: (a) it conflicts with an employee's ability to perform his or her position effectively, safely, or with his or her specific work environment; or (b) it is regarded as offensive or harassing toward co-workers, members of the public, or others with whom the Borough conducts business and has contact with employees.

Procedures

The Borough permits employees to wear jewelry, display tattoos or engage in other self-expression, such as hair coloring, in the workplace within the following guidelines: Factors that the Borough will consider to determine whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:

- Personal safety of self or others, or damage to Borough property
- Potential impact on the performance of one's duties, including impact on the employee's credibility with members of the public and co-workers
- Productivity or performance expectations
- Offensiveness to members of the public, co-workers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally-protected nature
- Corporate or societal norms
- Public complaints

If the Borough determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is the Borough's goal. Nonetheless, the Borough is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. The Borough will provide reasonable accommodations for bona fide religious or other legally-protected reasons. As an initial step toward resolution of any complaint or offense under this policy, supervisors and managers will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached at that stage, the Administrator will follow company procedures to resolve the issue.

Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of Borough's Employee Handbook and Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my Supervisor, Department Head, or the Borough Administrator. I understand that the Borough is an "at will" employer and consistent with applicable Federal and State law (as well as applicable bargaining unit agreements), employment with the Borough is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states Borough's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with the Borough for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Borough Administrator.

Print Name

Signature

Date

APPENDIX

OBSERVED BEHAVIOR REPORTING FORM

EMPLOYEE NAME: _____	DATE OBSERVED: _____
INCIDENT LOCATION: _____	TIME OBSERVED: From _____ a.m. or p.m. To _____ a.m. or p.m.

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances.

Reasonable suspicion determined for impaired behavior:			
Mark items that apply and describe specifics			
1. APPEARANCE: Normal ____ Sleepy ____ Tremors ____ Clothing ____ Cleanliness ____ Description: _____			
2. BEHAVIOR: Normal ____ Erratic ____ Irritable ____ Inappropriate gaiety ____ Mood swings ____ Lethargic ____ Description: _____			
3. SPEECH: _____ Description: _____			
4. BODY ODORS: _____			
5. OTHER OBSERVATIONS: Explain: _____			
<u>WITNESSED BY:</u>			
Signature _____	Title _____	Preparation Date _____	Time _____ a.m. or p.m.
Signature _____	Title _____	Preparation Date _____	Time _____ a.m. or p.m.
<u>EMPLOYEE'S ACKNOWLEDGMENT AND CONSENT:</u>			
I acknowledge that I have been informed of the company's reasons for requesting this drug/alcohol testing and consent to the testing.			
Employee Signature _____		Date _____	